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NOTES

There is one Extraordinary issue to the Official Gazette, Series I No. 41 dated 9-1-2014 namely, Extraordinary dated 10-1-2014 from pages 1443 to 1448 regarding The Goa Excise Duty (Amendment) Rules, 2013 — Not. No. 2/5/2013-Fin (R&C) from Department of Finance (Revenue & Control) Division.

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GOVERNMENT OF GOA

Department of Elections

Office of the Chief Electoral Officer

Notification

8-4-2013/ELEC/1624

The following Notification 56/2013(III)/PPS-II dated 4-11-2013 issued by the Election Commission of India, New Delhi is hereby published for general information.

Narayan S. Navti, Joint Chief Electoral Officer.

Panaji, 8th January, 2014.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.

Dated: 4th November, 2013
13 Kartika, 1935 (SAKA).

Notification

No. 56/2013(III)/PPS-II.— In pursuance of sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation & Allotment) Order, 1968, the Election Commission of India hereby makes the following amendments to its Notification No. 56/2013/PPS-II, dated 18-1-2013, as amended from time to time, namely:—

1. In Table III (Registered un-recognised parties), appended to the said Notification,—

(i) After the existing entries at Sl. No. 1508, the following entries shall be inserted under Columns No. 1, 2 and 3, respectively:—

Sr. No.	Name of the Party	Address
1	2	3
1509	Akhil Bhartiya Sudhar Party	House No. 2389, 1st Floor, Hudson Lane, Kingsway Camp, Delhi—110 009.
1510	Anbu Udhayam Katchi	12/11, Subash Illam, Theni—Gudalur —625 518, Tamilnadu.
1511	Bahujan Kranti Party (Marxwad-Ambedkarwad)	Village—Dhansua, Post—Central Jail, Fatehagarh, Distt. Farrukhabad, Uttar Pradesh—209 601.
1512	Bihar Janta Party	Village: Jail Shahar, Old Remand Home, Dharmnath Mandir Road, Daulatganj, Saran, Bihar—841 301.
1513	Delhi Janta Party	Y-200, Camp No. -1, Nangloi, Delhi—110041.
1514	Indian Labour Party (Ambedkar Phule)	D. No. 26-28-118, 1st Line, Netaji Nagar, A.T. Agraharam, Guntur, Andhra Pradesh—522 004.
1515	Lok Janhit Party	Village—Daloopur Sultanpur, Post—Prempur, Janpad—Kannauj, Uttar Pradesh.
1516	National World Life Panchatatva Party	Patidar Colony, Bhelkheri Road, Shujalpur Mandi, District-Shajapur, Madhya Pradesh.
1517	Nava Bharat National Party	Survey No. 627, Bhairava Gutta, Ravalkole Village, Medchal Mandal, Ranga Reddy District, Andhra Pradesh.
1518	Prajatantrik Samajvadi Party	C-17, Yadav Nagar, Village-Samaypur, Delhi—110042.
1519	Rashtriya Kisan Vikas Party	Village & Post-Parasi, Tehshil-Mangawan, District-Rewa, Madhya Pradesh—486 111.
1520	Union Party of India	TA-208 A, Ravi Dass Marg, Tughlakabad Extension, New Delhi—110 019.
1521	Aarakshan Virodhi Party	DT-146, Tirkha Colony, Ballabgarh, Faridabad, Haryana—121 004.
1522	Bharatiya Kisan Sena Loktantrik	House No. 392/1, Chak Raghunath, Naini, Allahabad, Uttar Pradesh.
1523	Hindustan Janmorcha	House No. 1, Village & Post-Tekua, District-Deoria, Uttar Pradesh—244182.
1524	Hindustan Krantikari Dal	A-65, Sector-34, Noida, Gautam Budh Nagar, Uttar Pradesh.
1525	Jan Shakti Ekta Party	Village-Mandanpur, Post-Meerganj, District-Bareilly, Uttar Pradesh—243504.
1526	Mahanwadi Party	Village & Post-Kutubpur Chanora, District—Firozabad, Uttar Pradesh.

1	2	3
1527	Sarve Bhavanti Sukhinah Party	Village & Post-Mamdar, Tehsil & P.S.- Rampur Naikin, District-Sidhi, Madhya Pradesh.
1528	Shramajeevi Party	1-6-48, Old Alwal, Post-Bollaram, Secunderabad—500010, Andhra Pradesh.
1529	Bhartiya Shramik Dal Socialist	Baman Nagar, Pateri, Sector-20, District-Satna, Madhya Pradesh.
1530	Kongunadu Makkal Desia Katchi	No. 5/54, East Street, Post-Kokkarayan Pettai, Taluk-Tiruchengode, District-Namakkal, Tamil Nadu—638007.
1531	Bhartiya Jan Sanmati Party	Village-Harola, Sector-5, Noida, Uttar Pradesh.
1532	Bharat Vikas Party (Secular)	Kh. No. 21/25, Near HP Petrol Pump, Upkar Properties, A-Block, Himgiri Enclave, Burari, Delhi—110084.
1533	Musalsal Iman Samaj Party	261, Chakki Wali Gali, Railway Road, Bazaria, Ghaziabad, Uttar Pradesh.
1534	Nirmal India Party	SA 6/8 H-15, Satsang Nagar, Benipur, Pahadia, Varanasi—221007, Uttar Pradesh.

(ii) Against serial number 201 in respect of Bhaarat Mahashakti Party, the existing entries under column 3 shall be substituted by the entries “11A, DDA Flats, Priyadarshni Vihar, Laxmi Nagar, Delhi—110092”.

(iii) Against serial number 960 in respect of Purvanchal Gan Parishad, the existing entries under column 3 shall be substituted by the entries “House No. 34, Pocket-28, Sector-24, Rohini, Delhi—110085.”

(iv) Against serial number 999 in respect of Rashtrawadi Samta Party, the existing entry ‘Distt. Chhatrapati Shahuji Maharaj Nagar’ shall be substituted by the entry ‘Distt. Amethi’.

By order,

VARINDER KUMAR

Secretary
Election Commission of India.

भारत निर्वाचन आयोग

निर्वाचन सदन,

अशोक रोड,

नई दिल्ली- 110001.

दिनांक 4 नवम्बर, 2013

13 कार्तिक, 1935(शक)

अधिसूचना

सं.56/2013 (II) रा.दल.अनु- II निर्वाचन प्रतीक (आरक्षण तथा आबंटन) आदेश, 1968 के पैरा 17 के उप पैरा 2 के अनुसरण में, भारत निर्वाचन आयोग, समय-समय पर यथा संशोधित, अपनी अधिसूचना सं. 56/2013/रा.दल.अनु. II, तारीख 18.01.2013 में एतद्वारा निम्नलिखित संशोधन करता है, अर्थात:-

उक्त अधिसूचना से संलग्न सारणी - III (रजिस्ट्रीकृत अमान्यता प्राप्त दल) में-
(i) स्तम्भ 1, 2 व 3 के अन्तर्गत क्रम सं. 1508 पर विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ क्रमशः अन्तःस्थापित की जाएंगी-

क्रम संख्या	पार्टी का नाम	पता
1.	2.	3.
1509	अखिल भारतीय सुधार पार्टी	मकान सं0 - 2389, प्रथम तल, हडसन लेन, किंग्सवे कैम्प, दिल्ली - 110009
1510	अन्बू उदयम कच्ची	12/11, सुभाष ईलम, तेनी - गुडलूर - 625518, तमिलनाडु
1511	बहुजन क्रान्ति पार्टी (माक्सवाद-अम्बेडकरवाद)	ग्राम-धन्सुआ, पो0-सेन्द्रल जेल, फतेहगढ़, जिला-फर्रुखाबाद, उत्तर प्रदेश 209601
1512	बिहार जनता पार्टी	ग्राम - जेल शहर, ओल्ड रिमाण्ड होम, धर्मनाथ मन्दिर रोड, दौलतगंज, सारण, बिहार - 841301
1513.	दिल्ली जनता पार्टी	वाई - 200, कैम्प नं0-1, नांगलोई, दिल्ली - 110041

क्रम संख्या	पार्टी का नाम	पता
1.	2.	3.
1514	इंडियन लेबर पार्टी (आंबेडकर फुले)	डी0 नं0 - 26-28-118, 1 लाइन, नेताजी नगर, ए0 टी0 अग्रहारम, गुंदूर, आन्ध्र प्रदेश - 522004
1515	लोक जनहित पार्टी	ग्राम - डालपुर सुल्तानपुर, पोस्ट - प्रेमपुर, जनपद - कन्नौज उत्तर प्रदेश ।
1516	नेशनल वर्ल्ड लाईफ पंचतत्व पार्टी	पाटीदार कौलानी, भीलखेडी रोड, शुजालपुर मंडी, जिला शाजापुर, मध्य प्रदेश ।
1517	नव भारत नेशनल पार्टी	सर्वे सं0 - 627, भीरव गुट्टा, ग्राम- रवाल्कोले, मंडल - मेदचल, जिला - रंगा रेड्डी. आन्ध्र प्रदेश ।
1518	प्रजातांत्रिक समाजवादी पार्टी	सी-17, यादव नगर, ग्राम - समयपुर, दिल्ली - 110042 ।
1519	राष्ट्रीय किसान विकास पार्टी	ग्राम व पोस्ट - परासी, तहसील - मनगवा, जिला दूरीया मध्य प्रदेश - 486111
1520	यूनियन पार्टी ऑफ इंडिया	टी0 ए0 - 208 ए0, रविदास मार्ग, तुगलकाबाद एक्सटेन्शन, नई दिल्ली - 110019 ।
1521	आरक्षण विरोधी पार्टी	डीटी-146, तिरखा कॉलोनी, बल्लभगढ़, फरीदाबाद - 121 004, हरियाणा ।
1522	भारतीय किसान सेना लोकतांत्रिक	मकान नं0 - 392/1, चक रघुनाथ, नैनी, इलाहाबाद, उत्तर प्रदेश ।
1523	हिन्दुस्तान जनमोर्चा	मकान सं0 - 1, ग्राम व पोस्ट - टेकुआं, जिला - देवरिया, उत्तर प्रदेश - 244182 ।

क्रम संख्या	पार्टी का नाम	पता
1.	2.	3.
1524	हिन्दुस्तान क्रान्तिकारी दल	ए-65, सेक्टर-34, नोएडा, गौतम बुद्ध नगर, उत्तर प्रदेश ।
1525	जन शक्ति एकता पार्टी	ग्राम - मंडनपुर, पोस्ट - मीरगंज, जिला - बरेली, उत्तर प्रदेश - 243504 ।
1526	महानयादी पार्टी	ग्राम व पोस्ट - कुतुबपुर चनोरा, जिला - फिरोजाबाद, उत्तर प्रदेश ।
1527	सर्वे भयन्ति सुखिनः पार्टी	ग्राम व पोस्ट - ममदर, तहसील व थाना - रामपुर नैकिन, जिला - सीधी, मध्य प्रदेश।
1528	श्रमजीवी पार्टी	1-6-48, ओल्ड अलवाल, पोस्ट बोल्लाराम, सिकन्द्राबाद - 500010, आन्ध्र प्रदेश ।
1529	भारतीय श्रमिक दल सोशलिस्ट	वामन नगर पतेरी, सेक्टर - 20, जिला - सतना, मध्य प्रदेश ।
1530	कौंगुनाडु मक्कल देसीय कच्ची	5/54, ईस्ट स्ट्रीट, पोस्ट वृ कौंकरायंपेट्टै, तालुक - तिरुचंगोड, जिला - नामकल्लक, तमिल नाडु - 638007
1531	भारतीय जन सनमति पार्टी	ग्राम - हरौला, सेक्टर - 5, नोएडा, उत्तर प्रदेश ।

क्रम संख्या	पार्टी का नाम	पता
1.	2.	3.
1532	भारत विकास पार्टी (सेकूलर)	खसरा नं० - 21/25, नजदीक एच. पी. पेट्रोल पम्प, उपकार प्रोपर्टीज, ए-ब्लाक, हिमगिरी इन्कलेव, बुराडी, दिल्ली -110084
1533	मुसलसल ईमान समाज पार्टी	261, चक्की वाली गली, रेलवे रोड, बजरिया, गाजियाबाद, उत्तर प्रदेश।
1534	निर्मल इण्डिया पार्टी	सा० 6/8 एच-15, सत्संग नगर, बेनीपुर, पहाड़िया, वाराणसी - 221007 उत्तर प्रदेश ।

- (ii) क्रम सं. 201 पर "भारत महाशक्ति पार्टी" से संबंधित स्तम्भ 3 पर विद्यमान प्रविष्टियों को, प्रविष्टियों "11ए, डी.डी.ए फ्लैट्स, प्रियदर्शिनी विहार, लक्ष्मी नगर दिल्ली 110092". के द्वारा प्रतिस्थापित किया जाएगा।
- (iii) क्रम सं. 960 पर "पूर्वांचल गण परिषद" से संबंधित स्तम्भ सं. 3 पर विद्यमान प्रविष्टियों को, प्रविष्टियों "मकान नं. 34, पाकेट 28, सेक्टर 24, रोहिणी, दिल्ली-110085". के द्वारा प्रतिस्थापित किया जाएगा।
- (iv) क्रम सं. 999 पर "राष्ट्रवादी समता पार्टी" से संबंधित स्तम्भ सं. 3 पर विद्यमान प्रविष्टि "जिला - छत्रपति शाहूजी महाराज नगर" को प्रविष्टि "जिला - अमेठी ". के द्वारा प्रतिस्थापित किया जाएगा।

आदेश से,



(वरिन्दर कुमार),

सचिव

भारत निर्वाचन आयोग

Goa Legislature Secretariat

Notification

LA/Admn./2014/2266

In exercise of the powers conferred under Article 187 of the Constitution of India, the Governor of Goa, after consultation with the Speaker of the Goa Legislative Assembly is hereby pleased to make the following rules relating to recruitment to the Group 'C' (Non-Gazetted) posts at the Goa Legislature Secretariat.

1. *Short title.*— These rules may be called the Goa Legislature Secretariat Group 'C' (Non-Gazetted), Recruitment Rules, 2014.

2. *Application.*— These rules shall apply to the posts at (1) & (2) specified in column 1 of the Schedule to these rules (hereinafter called as the said Schedule).

3. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scale of pay attached thereto shall be as specified in column 2 to 4 of the said Schedule.

4. *Method of recruitment, age limit and other qualification.*— The method of recruitment to the said posts, age limit, qualification and the other matters connected therewith shall be as specified in column 5 to 13 of the aforesaid Schedule.

5. *Disqualification.*— No person (1) who has entered into or contracted a marriage with a person having a spouse living; or (2) who, having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the service, provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

7. *Savings.*— Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

8. These rules will come into force with immediate effect.

By order and in name of the Governor
of Goa.

N. B. Subhedar, Secretary (Legislature).

Porvorim, 13th January, 2014.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of the post	Number of post	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which the Union Public Service Commission is to be consulted in making recruitment
(1) Assistant Marshal.	2 (including 1 lady).	Group 'C', (Non-Gazetted).	PB-1 Rs. 5,200-20,200 + Rs. 2,400/- (G. P.).	Selection.	Not exceeding 35 years (Relaxable for Government Servants by 5 years).	For Male Candidates <i>Essential:</i> (1) Higher Secondary School Certificate or equivalent. (2) Minimum height of 165 cms. (3) Unexpanded chest 80 cms. and expanded 85 cms. (4) Should undergo physical efficiency test. (5) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.	N. A.	Two years.	By promotion, failing which by direct recruitment.	Sergeants of the Legislature Secretariat with 5 years of service in the grade.	Group 'C', D.P.C.	N.A.
						For Female Candidates <i>Essential:</i> (1) Higher Secondary School Certificate or equivalent. (2) Minimum height of 160 cms. (3) Weight not less than 45 kgs. (4) Should undergo physical efficiency test. (5) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.						

1	2	3	4	5	6	7	8	9	10	11	12	13
(2) Ser-geant.	23 (including 3 ladies).	Group 'C', (Non-Gazetted).	PB-1 Rs. 5,200- + Rs. 1,900/- (G. P)..	N. A.	Not exceeding 35 years (Relaxable for Government servants up to 5 years).	For Male Candidates <i>Essential:</i> (1) Secondary School Certificate or equivalent qualification. (2) Minimum height of 165 cms. (3) Unexpanded chest 80 cms. and expanded 85 cms. (4) Should undergo physical efficiency test. (5) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.	N. A.	Two years.	By direct recruitment.	N. A.	Group 'C', D.P.C.	N. A.
For Female Candidates <i>Essential:</i> (1) Secondary School Certificate or equivalent qualification. (2) Minimum height of 160 cms. (3) Weight not less than 45 kgs. (4) Should undergo physical efficiency test. (5) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.												

Department of Labour

Inspectorate of Factories & Boilers

Notification

VI/BLR/(2)/A-117(a)/5272

The following draft rules which the Government of Goa proposes to make so as to further amend the Goa, Daman and Diu Boiler Rules, 1983, are hereby pre-published as required by section 31 of the Boilers Act, 1923 (Act 5 of 1923), for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government after the expiry of three months from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Secretary (Factories and Boilers), Government of Goa, Secretariat, Porvorim, before the expiry of said period of three months from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalisation of the said draft Rules.

DRAFT RULES

In exercise of the powers conferred by section 29, 30 read with sub-section (2) of section 31 of the Boilers Act, 1923 (Act 5 of 1923), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Boiler Rules, 1983, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Boiler (third Amendment) Rules, 2013.

(2) They shall come into force at once.

2. *Amendment of rule 1.*— In rule 1 of the Goa, Daman and Diu Boiler Rules, 1983 (hereinafter referred to as the “principal Rules”), in sub-rule (a), the figure and the

words, “Daman and Diu” shall be omitted.

3. *Amendment of rule 2.*— In rule 2, of the principal Rules,—

(i) in clause (a), the word “Indian” shall be omitted;

(ii) for clause (d), the following clause shall be substituted, namely:—

“(d) “Government” means the Government of Goa;”;

(iii) for clause (g), the following clause shall be substituted, namely:—

“(g) “Rules”, means the Goa Boiler Rules, 1983;”;

(iv) clause (i) shall be omitted.

4. *Amendment of rule 3.*— In rule 3 of the principal Rules, for the words “Union territory”, the words “state of Goa” shall be substituted.

5. *Amendment of rule 4.*— In rule 4, of the principal Rules, the expression “Daman and Diu,” wherever it occurs, shall be omitted.

6. *Amendment of rule 8.*— In rule 8 of the principal Rules, in sub-rule (i), in clause (a), for the words “Union Territory,” the words “state of Goa” shall be substituted.

7. *Amendment of rule 9.*— In rule 9, of the principal Rules,—

(i) in the heading, for the expression “Appointment of Inspectors and general duties of inspectors”, the expression “General duties of inspectors” shall be substituted;

(ii) sub rule (1) shall be omitted;

8. *Amendment of rule 19.*— In rule 19 of the principal Rules, for the expression “Union territory of Goa, Daman and Diu”, the expression “State of Goa” shall be substituted.

9. *Amendment of rule 20.*— In rule 20 of the principal Rules, for the expression “Union territory of Goa, Daman and Diu”, the expression “the State of Goa” shall be substituted.

10. *Amendment of rule 36.*— In rule 36 of the principal Rules,—

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) *Inspection fees.*— (a) Fees for renewal of certificate of boilers shall be calculated on the basis of rating and shall be levied in accordance with the following scale, namely:—

For boiler rating not exceeding 9.3 sq. mts.	Rs. 1,900/-.
For boiler rating exceeding 9.3 sq. mts. but not exceeding 27.9 sq. mts.	Rs. 2,300/-.
For boiler rating exceeding 27.9 sq. mts. but not exceeding 45.9 sq. mts.	Rs. 2,800/-.
For boiler rating exceeding 45.9 sq. mts. but not exceeding 65.1 sq. mts.	Rs. 3,300/-.
For boiler rating exceeding 65.1 sq. mts. but not exceeding 83.7 sq. mts.	Rs. 3,750/-.
For boiler rating exceeding 83.7 sq. mts. but not exceeding 102.3 sq. mts.	Rs. 4,200/-.
For boiler rating exceeding 102.3 sq. mts. but not exceeding 186 sq. mts.	Rs. 4,700/-.
For boiler rating exceeding 186 sq. mts. but not exceeding 372 sq. mts.	Rs. 5,200/-.
For boiler rating exceeding 372 sq. mts. but not exceeding 558 sq. mts.	Rs. 5,650/-.
For boiler rating exceeding 558 sq. mts. but not exceeding 774 sq. mts.	Rs. 6,500/-.
For boiler rating exceeding 774 sq. mts. but not exceeding 930 sq. mts.	Rs. 7,500/-.
For boiler rating exceeding 930 sq. mts. but not exceeding 1116 sq. mts.	Rs. 8,500/-.
For boiler rating exceeding 1116 sq. mts. but not exceeding 1302 sq. mts.	Rs. 9,400/-.
For boiler rating exceeding 1302 sq. mts. but not exceeding 1488 sq. mts.	Rs. 10,300/-.
For boiler rating exceeding 1488 sq. mts. but not exceeding 1674 sq. mts.	Rs. 11,250/-.
For boiler rating exceeding 1674 sq. mts. but not exceeding 1860 sq. mts.	Rs. 13,200/-.
For boiler rating exceeding 1860 sq. mts. but not exceeding 2046 sq. mts.	Rs. 15,000/-.
For boiler rating exceeding 2046 sq. mts. but not exceeding 2232 sq. mts.	Rs. 16,900/-.
For boiler rating exceeding 2232 sq. mts. but not exceeding 2418 sq. mts.	Rs. 18,750/-.
For boiler rating exceeding 2418 sq. mts. but not exceeding 2604 sq. mts.	Rs. 20,650/-.
For boiler rating exceeding 2604 sq. mts. but not exceeding 2790 sq. mts.	Rs. 22,500/-.
Above 2790 sq. mts. for every 186 sq. mts. or part thereof, an additional fee shall be charged.	Rs. 1,000/-.
Fees for ordinary inspection of a miniature boiler shall be	Rs. 1,000/-:

Provided that when any owner is willing to accept a renewed certificate for less than twelve months in order to approximate the date of annual inspection to the date on which other boilers in the locality are inspected, a certificate for such period of less than twelve months, as may be necessary for such approximation of dates, may be granted at a reduced fee to be calculated at one twelfth of the ordinary fee for each full month, portion of a month will be reckoned as one full month.”;

(ii) in sub-rule (3),—

(A) in clause (a),—

(a) in sub-clause (i), for the letters and figures “Rs. 750/-”, the letters

and figures “Rs. 1,000/-” shall be substituted;

(b) in sub-clause (ii), for the letters and figures “Rs. 375/-”, the letters and figures “Rs. 500/-” shall be substituted;

(B) in clause (b),—

(a) in sub-clause (i), for the letters and figures “Rs. 1,125/-”, the letters and figures “Rs. 1,500/-” shall be substituted;

(b) in sub-clause (ii), for the letters and figures “Rs. 750/-”, the letters and figures “Rs. 1,000/-” shall be substituted;

(C) in clause (c), for the letters and figures “Rs. 75/-”, and “Rs. 750/-”, wherever they occur, the letters and figures “Rs. 150/-” and “Rs. 1,000/-” shall be respectively substituted;

(iii) in sub-rule (4), in clause (a),:—

(A) in sub-clause (i) and (ii) for the letters and figures “Rs. 1,125/-”, the letters and figures “Rs. 1,500/-” shall be substituted;

(B) in sub-clause (iii), for the letters and figures “Rs. 600/-”, the letters and figures “Rs. 750/-” shall be substituted.

11. *Amendment of Rule 38-A.*— For rule 38-A of the principal Rules, the following rule shall be substituted, namely:—

“38-A. *Fees for approval and renewal.*— The fees for the approval of following firms and renewal of its approval shall be calculated on the basis of rates to be levied in accordance with the following scale, namely:—

	Rs.
(a) (i) for approval of firm for pipe fabrication	2,500/-.
(ii) for renewal of approval of firm as pipe fabrication firm	1,600/-.
(b) (i) for approval of firm as boiler repairer/erector	2,500/-.
(ii) for renewal of approval of firm as boiler repairer/erector firm	1,600/-.
(c) (i) for approval of firm for manufacture of boilers, economisers, pipes, tubes, pressure vessels and heat exchangers	10,000/-.
(ii) for renewal of approval of firm for manufacturer of boilers, economisers, pipes, tubes, pressure vessels and heat exchangers	5,300/-.
(d) (i) for approval of firm for manufacture of castings, forgings, valves, forged-flanges and such other fittings	6,250/-.
(ii) for renewal of approval of firm for manufacture of castings, forgings, valves, forged-flanges and such other fittings	3,500/-.
(e) (i) for approval of firm for manufacture of plate flanges	4,400/-.
(ii) for renewal of approval of firm for manufacture of plate flanges	2,500/-.
(f) (i) for approval of testing laboratory	4,400/-.
(ii) for renewal of approval of testing laboratory	2,500/-.
(g) (i) for approval of electrode manufacturer (initial qualification)	2,500/-.
(ii) for renewal of approval of electrode manufacturer (periodical testing)	1,600/-.

12. *Amendment of rule 41.*— In rule 41 for the principal Rules, for the letters and figures “Rs. 300/-”, the letters and figures “Rs. 375/-” shall be substituted.

13. *Amendment of rule 42.*— In rule 42 of the principal Rules, for the letters and figures “Rs. 150/-”, the letters and figures “Rs. 200/-” shall be substituted.

14. *Amendment of rule 52.*— In rule 52 of the principal Rules, for the words “rupees three hundred”, the words “rupees three hundred seventy- five” shall be substituted.

15. *Amendment of Form “B”.*— In Form “B” to the principal Rules, the letter and words “DAMAN AND DIU” shall be omitted.

By order and in the name of the Governor of Goa.

S. M. Paranjape, Chief Inspector & ex officio Joint Secretary (Factories and Boilers).

Panaji, 6th January, 2014.

Department of Law & Judiciary

Legal Affairs Division

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Notification

10/3/2013-LA/173

The Securities Laws (Amendment) Second Ordinance, 2013 (Ordinance No. 9 of 2013) which has been promulgated by the President in the Sixty-fourth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 16-9-2013, is hereby published for the general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 8th November, 2013.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 16th September, 2013/Bhadra 25, 1935 (Saka).

THE SECURITIES LAWS (AMENDMENT)
ORDINANCE, 2013

No. 9 of 2013

Promulgated by the President in the Sixty-fourth Year of the Republic of India.

An Ordinance further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.

Whereas the Securities Laws (Amendment) Ordinance, 2013 further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996 was promulgated by the President on the 18th July, 2013;

And whereas the Securities Laws (Amendment) Bill, 2013 with certain modifications was introduced in the House of the People to replace the said Ordinance but has not yet been passed;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I**Preliminary**

1. *Short title and commencement.*— (1) This Ordinance may be called the Securities Laws (Amendment) Second Ordinance, 2013.

(2) Save as otherwise provided in this Ordinance, it shall be deemed to have come into force on the 18th day of July, 2013.

CHAPTER II

Amendments to the Securities and Exchange Board of India Act, 1992

2. *Amendment of section 11.*— In section 11 of the Securities and Exchange Board of India Act, 1992 ^{15 of 1992} (hereinafter in this Chapter referred to as the principal Act),—

(i) in sub-section (2),—

(a) for clause (ia), the following clause shall be substituted, namely:—

“(ia) calling for information and records from any person including any bank or any other authority or board or corporation established or constituted by or under any Central or State Act which, in the opinion of the Board, shall be relevant to any

investigation or inquiry by the Board in respect of any transaction in securities;”;

(b) after clause (ia), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 6th day of March, 1998, namely:—

“(ib) calling for information from, or furnishing information to, other authorities, whether in India or outside India, having functions similar to those of the Board, in the matters relating to the prevention or detection of violations in respect of securities laws, subject to the provisions of other laws for the time being in force in this regard:

Provided that the Board, for the purpose of furnishing any information to any authority outside India, may enter into an arrangement or agreement or understanding with such authority with the prior approval of the Central Government;”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The amount disgorged, pursuant to a direction issued, under section 11B or section 12A of the Securities Contracts (Regulation) Act, 1956 or 42 of 1956. section 19 of the Depositories Act, 1996, as the case may be, 22 of 1996. shall be credited to the Investor Protection and Education Fund established by the Board and such amount shall be utilised by the Board in accordance with the regulations made under this Ordinance.”.

3. *Amendment of section 11AA.*— In section 11AA of the principal Act,—

(i) in sub-section (1)—

(a) after the word, brackets and figure “sub-section (2)”, the words, brackets,

figure and letter “or sub-section (2A)” shall be inserted;

(b) the following proviso shall be inserted, namely:—

“Provided that any pooling of funds under any scheme or arrangement, which is not registered with the Board or is not covered under sub-section (3), involving a corpus amount of one hundred crore rupees or more shall be deemed to be a collective investment scheme.”;

(ii) in sub-section (2), in the opening portion, for the word “company”, the word “person” shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any scheme or arrangement made or offered by any person satisfying the conditions as may be specified in accordance with the regulations made under this Act.”;

(iv) in sub-section (3),—

(a) after the word, brackets, and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted;

(b) after clause (viii), the following clause shall be inserted, namely:—

“(ix) such other scheme or arrangement which the Central Government may, in consultation with the Board, notify,”.

4. *Amendment of section 11B.*— In section 11B of the principal Act, the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that the power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted

loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, the disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

5. *Amendment of section 11C.*— In section 11C of the principal Act,—

(i) for sub-section (8), the following sub-section shall be substituted, namely:—

‘(8) Where in the course of an investigation, the Investigating Authority has reason to believe that any person or enterprise, as the case may be, to whom a notice under sub-section (3) has been issued or might be issued,—

(a) has omitted or failed to provide the information or produce documents as required in the notice; or

(b) would not provide the information or produce documents which shall be useful for, or relevant to, the investigation; or

(c) would destroy, mutilate, alter, falsify or secrete the information or documents useful for, or relevant to, the investigation,

then, the Chairman may, after being satisfied that it is necessary to do so, authorise the Investigating Authority or any other officer of the Board (the officer so authorised in all cases being hereinafter referred to as the authorised officer), to—

(i) enter and search, with such assistance, as may be required, the building, place, vessel, vehicle or aircraft where such information or documents are expected or believed to be kept;

(ii) break open the lock of any door, box, locker, safe almirah or other receptacle for exercising the powers conferred by sub-clause (i), where the keys thereof are not available;

(iii) search any person who has got out of, or is about to get into, or is in, the building, place, vessel, vehicle or aircraft, if the authorised officer has reason to suspect that such person has secreted about his person any such books of account or other documents;

(iv) require any person who is found to be in possession or control of any books of accounts or other documents, maintained in the form of electronic record, to provide the authorised officer the necessary facility to inspect such books of account or other documents.

Explanation:— For the purposes of this sub-clause, the expression “electronic record” shall have the meaning assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000. 21 of 2000.

(v) seize any such books of account or other documents found as a result of such search;

(vi) place marks of identification on any books of account or other documents or make or cause to be made extracts or copies therefrom;

(vii) record on oath the statement of any person who is found to be in possession or in control of the information or documents referred to in sub-clause (i), (iii) and (iv).’;

(ii) for sub-section (9), the following sub-section shall be substituted, namely,—

“(9) The Board may make regulations in relations to any search or seizure under this section; and in particular, without prejudice to the generality of the foregoing power, such regulations may provide for the procedure to be followed by the authorised officer—

(a) for obtaining ingress into any building, place, vessel, vehicle or aircraft to be searched where free ingress thereto is not available;

(b) for ensuring safe custody of any books of account or other documents or assets seized.”;

(iii) in sub-section (10), the words “and inform the Magistrate of such return” shall be omitted.

6. *Insertion of new section 15JB.*— After section 15JA of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“15JB. *Settlement of administrative and civil proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 11, section 11B, section 11D, sub-section (3) of section 12 or section 15-I, may file an application in writing to the Board proposing for settlement of the proceeding initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under this Act.

(3) The settlement proceedings under this section shall be conducted in accordance with the procedure specified in the regulations made under this Act.

(4) No appeal shall lie under section 15T against any order passed by the Board or Adjudicating officer, as the case may be, under this section.”.

7. *Amendment of section 15T.*— In section 15T of the principal Act, sub-section (2) shall be omitted.

8. *Amendment of section 26.*— In section 26 of the principal Act, sub-section (2) shall be omitted.

9. *Insertion of new sections 26A, 26B, 26C, 26D and 26E.*— After section 26 of the principal Act, the following sections shall be inserted, namely:—

“26A. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

26B. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Second Ordinance, 2013 or on or after the date of such commencement, shall be taken cognizance of and triable by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned.

26C. *Appeal and revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

26D. *Application of Code to proceedings before Special Court.*— (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

26E. *Transitional provisions.*— Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code of Criminal

Procedure, 1973 to transfer any case or class of cases taken cognizance by a Court of Session under this Section.”.

10. *Insertion of new section 28A.*— After section 28 of the principal Act, the following section shall be inserted, namely:—

‘28A. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any direction of the Board for refund of monies or fails to comply with a direction of disgorgement order issued under section 11B or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person’s movable property;

(b) attachment of the person’s bank accounts;

(c) attachment and sale of the person’s immovable property;

(d) arrest of the person and his detention in person;

(e) appointing a receiver for the management of the person’s movable and immovable properties;

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules made thereunder were the provisions of

this Act and referred to the amount due under this Act instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purpose of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Act.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax 43 of 1961. (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

Explanation 3.— Any reference to appeal in Chapter XVIID and the Second Schedule to the Income-tax Act, 1961, shall be construed as a 43 of 1961. reference to appeal before the Securities Appellate Tribunal under section 15T of this Act.

(2) The Recovery Officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 11B, shall have precedence over any other claim against such person.

(4) For the purpose of sub-section (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.'

11. *Amendment to section 30.*— In section 30 of the principal Act, in sub-section (2),—

(i) after clause (c), the following clauses shall be inserted, namely:—

"(ca) the utilisation of the amount credited under sub-section (5) of section 11;

(cb) the fulfilment of other conditions relating to collective investment scheme under sub-section (2A) of section 11AA;

(cc) the procedure to be followed by the authorised officer for search or seizure under sub-section (9) of section 11C;";

(ii) after clause (d), the following clauses shall be inserted, namely:—

"(da) the terms determined by the Board for settlement of proceedings under sub-section (2) and the procedure for conducting of settlement proceedings under sub-section (3) of section 15JB;

(db) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations."

12. *Insertion of new section 34A.*— After section 34 of the principal Act, the following section shall be inserted, namely:—

“34A. *Validation of certain acts.*— Any act or thing done or purporting to have been done under the principal Act, in respect of calling for information from, or furnishing information to, other authorities, whether in India or outside India, having functions similar to those of the Board and in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times.”.

CHAPTER III

Amendments to the Securities Contracts (Regulation) Act, 1956

13. *Amendment of section 12A.*—

In section 12A of the Securities Contracts (Regulation) Act, 1956 ^{42 of 1956.} (hereafter in this Chapter referred to as ‘the principal’ Act), the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

14. *Insertion of new section 23JA.*— After section 23J of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“23JA. *Settlement of Administrative and Civil Proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated

or may be initiated under section 12A or section 23-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall apply.

15 of 1992.

(4) No appeal shall lie under section 23L against any order passed by the Board or the adjudicating officer, as the case may be under this section.”.

15. *Insertion of new section 23JB.*— After section 23JA of the principal Act as so inserted, the following section shall be inserted, namely:—

‘23JB. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 12A or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person’s movable property;

(b) attachment of the person’s bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force 43 of 1961. from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Act instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purpose of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Act.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules,

1962 to the assessee shall be construed as a reference to the person specified in the certificate.

Explanation 3.— Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-Tax Act, 1961, shall be construed as a 43 of 1961. reference to appeal before the Securities Appellate Tribunal under section 23L of this Act.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 12A, shall have precedence over any other claim against such person.

(4) For the purposes of sub-section (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing to exercise the powers of a Recovery Officer.'

16. *Amendment of section 26.*— In section 26 of the principal Act, sub-section (2) shall be omitted.

17. *Insertion of new sections 26A, 26B, 26C, 26D and 26E.*— After section 26 of the principal Act, the following sections shall be inserted, namely:—

"26A. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the

concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

26B. *Offences triable by Special Courts.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Second Ordinance, 2013 or on or after the date of such commencement, shall be taken cognizance of and triable by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned. 2 of 1974.

26C. *Appeal and Revision.*—The High Court may exercise, so far as may be applicable, all the power conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court. as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

26D. *Application of Code to proceedings before Special Court.*—(1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special 2 of 1974.

Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

26E. *Transitional provisions.*—Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section."

18. *Insertion of new section 32.*— After section 31 of the principal Act, the following section shall be inserted, namely:—

"32. *Validation of Certain acts.*— Any act or thing done or purporting to have been done under the principal Act, in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times."

CHAPTER IV

Amendments to the Depositories Act, 1996

19. *Amendment of section 19.*—

In section 19 of the Depositories Act, 1996 (hereafter in this chapter 22 of 1996. referred to as the principal Act in this chapter), the following Explanation shall be inserted, namely:—

“Explanation.— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

20. *Insertion of new section 19-IA.*— After section 19-I of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“19-IA. Settlement of Administrative Civil Proceedings.— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 19 or section 19H, as the case may be, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall 15 of 1992. apply.

(4) No appeal shall lie under section 23A against any order passed by the Board or the adjudicating officer under this section.”.

21. *Insertion of new section 19-IB.*— After section 19-IA of the principal Act as so inserted, the following shall be inserted, namely:—

‘19-IB. Recovery of amounts.— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 19 or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person's movable property;

(b) attachment of the person's bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax 43 of 1961.

(Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Act instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or sons' minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Act.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and 43 of 1961. the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

Explanation 3.— Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be 43 of 1961. construed as a reference to appeal

before the Securities Appellate Tribunal under section 23A of this Act.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 19, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.

22. *Amendment of section 22.*— In section 22 of the principal Act, sub-section (2) shall be omitted.

23. *Insertion of new sections 22C, 22D, 22E, 22F and 22G.*— After section 22B of the principal Act, the following sections shall be inserted, namely:—

"22C. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointment is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a

Sessions Judge or an Additional Sessions Judge, as the case may be.

22D. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Second Ordinance, 2013 or on or after the date of such commencement, shall be taken cognizance of and triable by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned. 2 of 1974.

22E. *Appeal and Revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

22F. *Application of Code to proceedings before Special Court.*— (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

22G. *Transitional provisions.*— Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section."

24. *Amendment of section 23A.*— In section 23A of the principal Act, sub-section (2) shall be omitted.

25. *Insertion of new section 30A.*— After section 30 of the principal Act, the following section shall be inserted, namely:—

"30A. *Validation of certain acts.*— Any act or thing done or purporting to have been done under the principal Act, in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times."

26. *Repeal and saving.*— (1) The Securities Laws (Amendment) Ord. 8 of Ordinance, 2013 is hereby repealed. 2013.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done

or taken under the corresponding provisions of this Ordinance.

PRANAB MUKHERJEE,
President

P. K. MALHOTRA,
Secy. to the Govt. of India.

Law (Establishment) Division

Order

12-4-08/LD/Estt./Vol-I/71

Read: Order No. 12/4/08/LD/243 dated 20-2-2009.

Sanction of the Government of Goa is hereby accorded **for Deletion of clause/para IX** quoted in the Order referred to above regarding recommendations of the Shetty

Commission in respect of the staff of the subordinate Judiciary published in the Official Gazette, Series I No. 50 dated 12-3-2009 as re-produced below:—

“(IX) *Medical Allowances*.— The Medical allowance of Rs. 100/- per month to all employees subject to the condition that reimbursement of medical expenses to be restricted only to the cases of in-patients”.

This is issued with the concurrence of Finance (Exp.) Department vide their U. O. No. 1412339 dated 13-11-2013 and with the Cabinet approval taken in its meeting No. LIIIrd dated 2-1-2014.

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Law-Estt.).

Porvorim, 10th January, 2014.

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